

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

CRIMINAL #04-1809-CBS

---

UNITED STATES

v.

JOSEPH ALLEN

---

**DEFENDANT'S MOTION TO REVOKE DETENTION ORDER**

Joseph Allen, defendant in the above-captioned criminal case, hereby moves this Court, pursuant to 18 U.S.C. § 3145(b), to revoke the order of detention entered by the Court (Swartwood, M.J.) on July 12, 2004. As grounds therefore, defendant avers as follows:

1. The evidence against defendant Allen in this case is so weak that the Magistrate Judge characterized it as "less than substantial." Given the likelihood that Mr. Allen will ultimately be acquitted of the charges against him, subjecting him to a loss of liberty pending trial is particularly unfair.
2. As the Magistrate Judge correctly found, Mr. Allen, a lifelong resident of the community, is not a risk of flight.
3. Although Mr. Allen has been convicted of crimes of violence, all of those offenses are misdemeanors under Massachusetts law. Moreover, based upon discovery provided by the government and upon information and belief, these violent offenses

occurred while the defendant was drunk. Pretrial Services can conduct testing to ensure that defendant is not abusing alcohol.

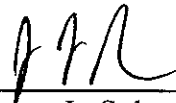
4. To the extent that Mr. Allen's prior criminal record suggests that he might constitute a danger to the community, any such danger can be obviated by placing him on an electronic bracelet or curfew. Such a condition of release would enable him to provide practical and emotional support to his longtime girlfriend, Alicia Parisi, as she prepares for the birth of their first child in October.
5. Under all of the circumstances presented here, the Court can readily fashion a combination of conditions to reasonably assure Mr. Allen's appearance as required and the safety of the community.

The grounds for the instant motion are set forth more fully in the accompanying memorandum of law.

Respectfully submitted,

**JOSEPH ALLEN**

By his attorney,

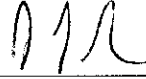


---

James L. Sultan, BBO #488400  
Rankin & Sultan  
One Commercial Wharf North  
Boston, MA 02110  
(617) 720-0011

**CERTIFICATE OF SERVICE**

I certify that I have served the foregoing document by mailing a copy, U.S. mail, postage prepaid, to AUSA Michael Pelgro at the US Attorney's Office, 1 Courthouse Way, Boston, MA 02210 this July 28, 2004.

A handwritten signature in black ink, appearing to read 'JLS', is written above a horizontal line.

James L. Sultan